**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**FIRST APPEAL NO.36 OF 1995.**

Mohamed Moosa : Appellant.

versus

Hafiz Noor Mohamed & Anr. : Respondents.

Mr.P.K.Hushing for the appellant.

Mr.S.P.Srivastava for Respondent No.1.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 28th January 2005.**

**ORAL ORDER**

1. Heard advocates for the appellant and the respondent No.1. Appellant was the original defendant No.2. The decree for possession came to be passed against him exparte. Looking to the facts of the case and also looking to the fact that all the three appellant and respondents are blind, by consent, the impugned order is set aside. The matter is remanded back to the lower

Court. The appellant will be permitted to file his written statement. He will do so within six weeks from his appearance before the lower Court. The lower Court will issue notice to the plaintiffs and defendants after receiving copy of this order and will decide and dispose of this suit within nine months. The contentions and issues are kept open. Respondent No.1 - original plaintiff not to create third party right till the suit is disposed of and four weeks thereafter. No order as to costs.

2. All concerned parties to act upon ordinary copy of this order duly authenticated by the Court Sheristedar.

[D.G.DESHPANDE]

28/01/2005 JUDGE.